

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-30 are pending in the application, with 1, 2, 15, and 21 being the independent claims. Claims 2, 9-15, and 18-20 are sought to be amended to emphasize an embodiment(s) of Applicants' invention. Support for these changes can be found, inter alia, at pages 7 and 8 of the Specification.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Priority Claim

In the Office Action, the Examiner acknowledges Applicants' claim of priority to "provisional application 60/167,551 (10/18/1999)." (Paper No. 08042004, page 2). It should be noted that Applicants have not claimed the benefit of this provisional application. Applicants have, however, claimed the benefit of U.S. Provisional Patent Application 60/160,242, filed October 18, 1999. Applicants believe that the USPTO's records currently reflect the correct priority claim. Therefore, Applicants assume that the Examiner's reference to Application 60/167,551 has been made in error, and no further actions are required on the part of the Applicants.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejects claims 1-30 under 35 U.S.C. § 103 as allegedly being non-obvious over a combination of the following documents:

1. U.S. Patent 6,446,080 to Van Ryzin *et al.* (herein referred to as “Van Ryzin”);
2. U.S. Patent 5,802,292 to Mogul *et al.* (herein referred to as “Mogul”);
3. U.S. Patent 5,557,541 to Schulhof *et al.* (herein referred to as “Schulhof”); and
4. U.S. Patent 6,535,878 to Guedalia *et al.* (herein referred to as “Guedalia”). (Paper No. 08042004, pages 3-12).

Applicants respectfully traverse these rejections, and each rejection is addressed separately below.

a. Claims 1 and 3-7

Claim 1 is independent and claims 3-7 depend from claim 1. With respect to the independent claim, the Examiner rejects claim 1 as allegedly being unpatentable over Van Ryzin in view of Mogul. (Paper No. 08042004, page 3). However, Van Ryzin and Mogul do not teach or suggest, either alone or in combination, each and every element, limitation, and/or feature of claim 1. For the Examiner’s convenience, independent claim 1 is reproduced below:

A method for reducing latency in a sequential record browser, comprising the steps of:

defining a sequential list of records, the records having a retrieval latency;

selecting a record from the list for review;

downloading the selected record, and records ordered sequentially thereafter until interrupted, downloaded records being available for browsing absent the retrieval delay;

interrupting the downloading by selecting a non-sequential record from the list; and

downloading the non-sequential record and records sequentially thereafter until interrupted.

Van Ryzin does not teach or suggest, for example, “interrupting the downloading by selecting a non-sequential record from the list.” This feature cannot be taught or suggested by Van Ryzin, and in fact, Van Ryzin teaches away from Applicant’s invention. Van Ryzin describes that a playlist can be created on an external device, such as a personal computer, (Col. 4, lines 13-14), and thereafter, downloaded to an actuator device, such as a CD player, digital audio tape player, cassette recorder, or DVD/MD player, (Col. 4, lines 5-16). If, for example, a user builds a playlist of audio tracks on a personal computer and downloads the playlist of audio tracks from the personal computer to a CD player, the user would not interrupt the downloading to select a non-sequential audio track and reactivate the downloading. Van Ryzin does not describe or suggest that the downloading could be interrupted so that the user could skip a track and resume the downloading. Referring to Col. 5, lines 59-67, Van Ryzin teaches that any modifications to its playlist must be performed on the personal computer before the playlist is downloaded, or by the CD player after the playlist has been downloaded. There is no discussion of enabling the user to modify the playlist during the downloading process (e.g., interrupting the downloading by selecting a non-sequential [audio track] from the [playlist]; and downloading the non-sequential...).

As presented, Van Ryzin does not teach or suggest Applicants invention as recited in independent claim 1. Mogul does not cure the deficiencies of Van Ryzin since it likewise does not teach or suggest, for example, “interrupting the downloading by selecting a non-sequential record from the list”. Schulhof (which the Examiner has applied to reject claims 5 and 7) also does not teach or suggest “interrupting the downloading by selecting a non-sequential record from the list”. Hence, Van Ryzin, Mogul, and/or Schulhof does not teach or suggest Applicants’ invention as recited in

independent claim 1. Claims 3-7 depend from claim 1, and are patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3-7, and allowance thereof.

b. Claims 2 and 8-30

Claims 2, 15, and 21 are independent claims. Claims 8-14, 16-20, and 22-30 depend from claims 2, 15, and 21, respectively. Regarding the independent claims, the Examiner rejects claims 2, 15, and 21 as allegedly being unpatentable over Mogul in view of Guedalia. (Paper No. 08042004, page 6). However, Mogul and Guedalia do not teach or suggest, either alone or in combination, each and every element, limitation, and/or feature of claims 2, 15, or 21, notwithstanding the above amendment to claims 2 and 15.

In the Office Action, the Examiner admits that Mogul does not teach or suggest “automatically transferring files on the list into a local cache,” as recited in claim 2; or “automatic transferring of an object identified in the list into a cache local to a user,” as recited in claim 15; or “transferring automatically the queued files in a sequential order into a local cache,” as recited in claim 21. However, the Examiner alleges that Guedalia discloses “a step of automatically transferring files on the list to the client storage media” in the “Abstract, Figures 1-2, column 8 lines 23-33, column 9 lines 19-29”. (Paper No. 08042004, page 7). Applicants respectfully disagree.

On the contrary, Guedalia teaches the opposite of the Examiner’s assertions. Specifically, Guedalia teaches that media or portions of media are “automatically downloaded” but only after said media is requested by a user. Therefore, Guedalia’s

“automatic download” does not infer without (e.g., “in anticipation of”, or “in advance of”) a user request as in Applicants’ invention. This point is further illustrated in Guedalia’s Detailed Description at Col. 18, lines 23-51. In this section, Guedalia teaches that a large image can be broken into multiple tiles. When a user “requests” a specific portion of the image, all of the tiles are locally cached. In another example, Guedalia teaches that a user can “request” a movie to be downloaded to a local computer. In response to the “request”, the frames are buffered so that the user can advance backward and forward in the movie. Guedalia does not teach or suggest that the “image” or “movie” is automatically transferred (i.e., without a user requesting the image or movie).

As presented above, Mogul, and/or Guedalia does not teach or suggest Applicants’ invention as recited in independent claims 2, 15, and 21. Their dependent claims 8-14, 16-20, and 22-30 are patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2 and 8-30 and allowance thereof.

Conclusion

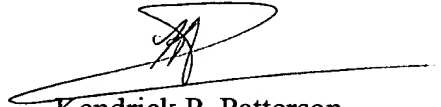
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to be 'K.P. Patterson', is written over a horizontal line.

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